

Weber County Sheriff's Office completes investigation into potential electioneering by San Juan County clerk

Salt Lake Tribune

By Zak Podmore

<https://www.sltrib.com/news/2019/12/05/weber-county-sheriffs/>

December 5, 2019

An investigation into potential electioneering by San Juan County Clerk John David Nielson has been completed by the Weber County Sheriff's Office and the report is heading back to the San Juan County Attorney for review. The investigation was initiated in October after poll monitors with the American Civil Liberties Union of Utah discovered copies of an opinion piece published in the San Juan Record newspaper supporting Proposition 10 were being distributed at early voting locations on the Navajo Nation in the southern portion of the county.



The letter's author was Blanding Mayor Joe B. Lyman, a leading backer of Prop 10, and the ACLU suggested its distribution inside voting locations could violate state election law.

Nielson told The Salt Lake Tribune he had made copies of the letter available in an attempt to educate voters about Prop 10, which would have started the process of considering a change in the form of local government and was the sole item on the ballot for many county voters.

"It was meant to be informative," Nielson told the newspaper. "The idea that this could be swaying [voters] never crossed my mind."

The ACLU of Utah saw it in a very different light.

"These reports that county officials and representatives appear to have made these materials available and even facilitated their distribution inside polling places have left us incredulous," John Mejia, legal director at the ACLU of Utah, said at the time. The ACLU later reported the Clerk's Office had been cooperative and the letters had been removed from the polls.

Office Management
All Pearson
Merryl Addison Platt
Layout - Ad Design:
Andrea Montgomery
Staff Writer
Rhett Sifford
Insertion Specialist
Alice Apple
Writers
Ted Barton
Walter & Becky Bird
Mary Cokenour
Maxine Deeter
Aiene Loney
Joe S. Lyman
Merry Palmer
Zak Podmore
Barry & Steve Simpson
Phone: 435-587-2277
Fax: 435-587-3377
E-mail
news@frontiernet.net
Web Address
sjnews.com

San Juan is not largest county in U.S.
Dear Editor:
Holly Sloan suggested that San Juan County is the largest county in the United States. Fact check, its size actual-ly ranks 24 in the country and is only 40 percent of the size of San Bernar-dino County.
Jim Blankenagel

"Voice of the people is paramount"
Dear Editor:
Just the facts. Everyone is entitled to their own opinion, but they are not entitled to their own version of the facts. Commissioner Kenneth Maryboy claims that the citizen initiative to consider a change in the form of county government is a reaction to the election of two Navajo commissioners. This is false. The facts are that I proposed to the previous commission of Adams, Lyman and Benally to place the question on the ballot. I also proposed to Judge Shelby that a change to five commissioners would be preferable to unnecessarily dividing Blanding.
I also published my reasons for wanting to consider a change in the *San Juan Record*. These facts are easily verified and each action was taken prior to the Judge Shelby decision and the election. No, Mr. Maryboy, the petition is not a reaction unless I could prophetically predict future events and react prior to their occurrence. It was initiated because I felt the voters in San Juan Coun-ty would be open to consider a better solution.
The timing of the actual filing of the petition after the election was governed by the timing requirements under the law not by the results of the election.
The petitioners are diverse, from Navajo Mountain, White Mesa, Blanding, Monticello and Spanish Valley.
Should the question prevail on the ballot in November we intend to form a di-verse study committee representing every corner of the County with input from the County Commissioners and the Mayors and Councils of Blanding, Monticello and Bluff.
The study committee will be tasked with carefully evaluating all forms of county government allowed in Utah and possibly making a recommendation to be considered by the voters.
The voice of the people is paramount and we will have two opportunities to vote before any change could be made.
Thanks,
Joe B. Lyman

Garden Goodies
Onion Sets
Potato Seed
Garden Seeds
Potting Soil
Peat Moss
Pipe Fittings
Hoses & Hoes
Fertilizer
Sprinklers
CALVING SUPPLIES:
Milk Replacer,
Veterinary Supplies,
Scour Boluses,
Vaccines, Ear Tags,
Colostrin

Summer Hours
Open Monday through Friday
7:00 a.m. to 6:00 p.m.
Saturdays 8:00 a.m. to 5 p.m.
CARHART FEED & SEED
281 North Guyrene • Dove Creek • 677-2233
For our Utah customers, our toll-free number is 1-877-532-1638

COMMUNITY CALENDAR

Wednesday SEPTEMBER 11 ■ Bluff Service Area public meeting ■ Story Hour, 10:30 a.m., Monticello Library ■ Story Hour, 10:30 a.m., Blanding Library ■ Monticello Rotary Club, Noon, R&F Restaurant ■ Lunch at La Sal Senior Center	Thursday SEPTEMBER 12 ■ Lunch at Monticello Senior Center (ages 60+), Noon, Hidden Community Center ■ Caregiver Support Group sponsored by Rocky Mtn Agency on Aging, 5:30 p.m., Blanding Senior Center	Friday SEPTEMBER 13 ■ Lunch at Blanding Senior Center, Noon, 177 East 200 North, 435-435-459-3179 ■ Lunch at La Sal Senior Center (ages 60+), 200 S. Firehouse Grounds ■ AA meeting (The Red Rock)	Tuesday SEPTEMBER 17 ■ SJC Commission, 9 a.m. work sessions, 11 a.m. public meeting, San Juan County Administration Building, 117 South Main Street, Monticello ■ Utah Quilters Guild, 6 p.m., Monticello High School Home Ec room ■ NA meeting
---	--	--	---

ADMISSION RATES
\$25
\$30
\$40
\$45
\$50
\$24.50
\$28.00

(Courtesy of ACLU of Utah) Highlighted copies of a partisan letter to the editor were being distributed at an early voting location in Monument Valley, Utah, by County Clerk John David Nielson on October 18, 2019.

According to the Moab Sun News, San Juan County Attorney Kendall Laws initiated an investigation soon after the incident occurred and brought in the Weber County Sheriff to avoid any conflicts of interest within the county.

On Monday, Weber County Attorney Christopher Allred said the report was finished.

“My office has discussed the investigation with the [Weber County] Sheriff’s Office and it appears that the investigation is complete,” he said. “We do not intend to formally screen the case for charges. My understanding is that the San Juan County attorney will reach out to another prosecution agency to screen the case and potentially follow through with any prosecution.”

Laws did not respond to The Tribune’s requests for comment for this story.

San Juan County resident William Love filed a complaint against Nielson with the Utah Attorney General’s Office in October, and was told the review process could take more than a month. A copy of his letter to Attorney General Sean Reyes was published in the Moab Sun News. It said, in part, “I am requesting a review of my concerns by your office, prosecution and removal of the San Juan County Clerk John David Nielson, if appropriate.”

A spokesperson for the office on Tuesday told The Tribune he could find no record of an investigation. Prop 10 would have created a study committee to recommend changes to in the form of government, currently a three-member county commission. The initiative was seen by some as an attempt to undermine the county’s first majority-Native American commission, which was elected last year after several voting rights lawsuits.

The ballot question went down to defeat Nov. 5 by a narrow margin of 1,984 votes to 2,176 after a sustained opposition campaign by Navajo Nation officials and the San Juan County Democratic Party. An analysis of precinct-level data showed the southern parts of the county, which have a greater Native American population, soundly rejected the measure while majority-Anglo precincts supported it. The Weber County investigation is not the first time Nielson's actions have been scrutinized by law enforcement. In 2018, Nielson removed Willie Grayeyes, a Democratic commission candidate and member of the Navajo Nation, from the ballot after a Republican opponent claimed Grayeyes was not a Utah resident.

A federal judge ordered Grayeyes be reinstated on the ballot after it was discovered Nielson had improperly backdated a document in order to make the complaint valid.

As in the alleged electioneering case, Laws, whose father was running against Grayeyes in the commission race, referred the matter to an outside prosecutor. Outgoing Grand County Attorney Andrew Fitzgerald declined to prosecute Nielson.

Electioneering, the deliberate attempt to influence voters inside or nearby a polling location, is a class A misdemeanor under Utah code and is punishable by up to a year in jail and a \$2,500 fine.

Zak Podmore is a Report for America corps member and writes about conflict and change in San Juan County for The Salt Lake Tribune. Your donation to match our RFA grant helps keep him writing stories like this one; please consider making a tax-deductible gift of any amount today.